

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHELLE HELENE DUDZINSKI,

Plaintiff,

v.

ROBERT LOVE,

Defendant.

Case Number 09-15009

Honorable David M. Lawson

Magistrate Judge R. Steven Whalen

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANT ROBERT LOVE'S MOTION FOR SUMMARY
JUDGMENT, AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on March 5, 2013 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that this Court grant defendant Robert Love's motion for summary judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #95] is **ADOPTED**.

It is further **ORDERED** that defendant Robert Love's motion for summary judgment [dkt. #73] is **GRANTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: March 25, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 25, 2013.

s/Deborah R. Tofil

DEBORAH R. TOFIL